

**BOARD OF ADJUSTMENT MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**7:00 P.M.**

**August 17, 2021**

**ACTION SHEET**

**MEMBERS PRESENT:** Chairman David Rheaume, Vice-Chairman Peter McDonell, Jim Lee, Christopher Mulligan, Arthur Parrott, David MacDonald (via Zoom), Beth Margeson, Alternates Chase Hagaman and Phyllis Eldridge

**MEMBERS EXCUSED:** None

**ALSO PRESENT:** Peter Stith, Planning Department

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**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of July 20, and July 27, 2021.

The July 20 minutes were **approved** as amended. The July 27 minutes were **approved** as presented.

*The Board voted to take Petition C out of order.*

**II. OLD BUSINESS**

A) Request for Rehearing – 105 Bartlett Street

The Board voted to **deny** the request for rehearing.

B) Petition of **William H. and Barbara Ann Southworth, Owners**, for property located at **39 Pickering Street** whereas relief is needed from the Zoning Ordinance to replace existing 8' x 8' shed with a 10' x 12' shed which requires the following: 1) Variances from Section 10.521 to allow a) a 2' rear yard where 10' is required; b) a 2' right side yard where 10' is required; and c) 40.5% building coverage where 30% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 102 Lot 5 and lies within the General Residence B (GRB) District.

The board voted to **deny** the petition.

- C) **REQUEST TO POSTPONE** Request of **Wentworth Corner LLC, Owners**, for the property located at **960 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to demolish existing structures and construct an 8 unit residential building which requires the following: 1) A Variance from Section 10.521 to allow a lot area per dwelling unit of 5,360 square feet where 7,500 square feet is required. 2) A Variance from Section 10.1114.31 to allow two driveways on a lot where one driveway is permitted. Said property is shown on Assessor Map 201 Lot 2 and lies within the Mixed Residential Business (MRB) District. **REQUEST TO POSTPONE**

The Board voted to **postpone** the petition to the September 21, 2021 meeting.

- D) Request of **Sarah Sommer Kaufman Revocable Trust, Owner** for the property located at **546 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to add a rear addition and vertical expansion of the garage which requires the following: 1) A Variance from Section 10.521 to allow a 4.5' right side yard where 10' is required. 2) A Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 222 Lot 10 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** the variances for the petition as presented and advertised.

- E) Request of **Jeremy James Conte, Owner** of the property located at **0 Islington Street** whereas relief is needed from the Zoning Ordinance to demolish existing structures and construct new single family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a lot area of 5,225 square feet where 15,000 square feet is required; b) a lot area per dwelling unit of 5,225 square feet where 15,000 square feet is required; and c) 50 feet of frontage where 100 feet is required. Said property is shown on Assessor Map 233 Lot 7 and lies within the Single Residence B (SRB) District.

The Board voted to **grant** the variances for the petition as presented and advertised.

- F) Request of **2422 Lafayette Road Association, LLC, Owner** for the property located at **2454 Lafayette Road** whereas relief is needed from the Zoning Ordinance to construct a standalone automated teller machine (ATM) which requires the following. 1) A Variance from Section 10.1530 to allow an automated teller machine (ATM) as defined in this section to be a principal freestanding structure and not located on the outside of a building, or in an access-controlled entrance to a building, or within a principal use in a building. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District.

The Board voted to **deny** the petition.

### III. PUBLIC HEARINGS – NEW BUSINESS

- A) Request of **Ricci Construction Co., Inc.**, Owner for the property located at **3400 Lafayette Road** whereas relief is needed from the Zoning Ordinance to construct a 50-unit residential development which requires the following: 1) Variance from Section 10.5B22.40 to allow buildings to be constructed outside of the 70 - 90 foot setback from the centerline of Lafayette Road. 2) Variance from Section 10.5B33.20 to allow 0% front lot line buildout where 50% is required. Said property is shown on Assessor Map 279 Lot 11 and lies within the Natural Resource Protection (NRP) and Gateway Corridor (G1) Districts.

The Board voted to **grant** the variances for the petition as presented and advertised.

- B) Request of **Lucky Thirteen Properties, LLC, Owner** for the property located at **361 Islington Street** whereas relief is needed from the Zoning Ordinance to renovate the existing building to allow for a new restaurant which requires the following: 1) Variance from Section 10.440 Use #9.42 to allow a restaurant with an occupant load of 50 to 250. 2) Variance from Section 10.5A41.10A to allow a) a 29' left side yard where a 5 foot minimum and 20 foot maximum is required and b) 17% open space where 25% is required. 3) Variance from Section 10.5A44.31 to allow parking to be located in front of the building façade. 4) Variance from Section 10.5A44.32 to allow parking unscreened by a building or street screen. 5) Variance from Section 10.575 to allow a dumpster within 20 feet of a residential zoned lot and within 10 feet of any lot line. 6) Variance from Section 10.1113.20 to allow parking in the front yard and between a principal building and a street. Said property is shown on Assessor Map 144 Lot 23 and lies within the Character District 4-L2 (CD4-L2).

The Board voted to **deny** the petition.

- C) Request of **Faribault Family Revocable Trust of 2019**, Owner for the property located at **35 Park Street** whereas relief is needed from the Zoning Ordinance for the conversion a single -family dwelling to a two family which requires the following: 1) A Special Exception from Section 10.440 #1.61 to allow the conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit into 2 dwelling units where the use is allowed by special exception Said property is shown on Assessor Map 148 Lot 45 and lies within the General Residence A (GRA) District.

The Board voted to **grant** the special exception for the petition as presented and advertised.

- D) Request of **261 Sagamore Ave, LLC**, Owner for the property located at **261 Sagamore Avenue** whereas relief is needed from the Zoning Ordinance to demolish the existing dwelling and construct a new single-family dwelling which requires the following: 1)

Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 6,669 square feet where 7,500 is required for each; b) 60 feet of continuous street frontage where 100 feet is required; and c) 27% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 221 Lot 16 and lies within the General Residence A (GRA) District.

The Board voted to **grant** the variances as presented and advertised.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **IV. ADJOURNMENT**

The meeting was adjourned at 12:25 a.m.